

Please add new claims 23-25.

3
23. (new) A method for the treatment of a disease associated with an imbalance of thyroid hormones, selected from hypo- and hyperthyroidism, obesity, osteoporosis and depression, which comprises administering to a mammal in need thereof an effective amount of a compound according to claim 9.

11
24. (new) A method for the treatment of occlusive cardiovascular conditions in which hyperlipidemia and hyperlipoproteinemia are implicated which comprises administering to a mammal in need thereof an effective amount of a compound according to claim 9.

12
25. (new) A method for the reduction of total cholesterol plasma levels which comprises administering to a mammal in need thereof an effective amount of a compound according to claim 9.

REMARKS

Reconsideration of the application as amended is respectfully requested.

The claims under consideration are claims 9, 11, 12, 14, 16-19, 21 and 22. Claim 12 has been cancelled, claims 11 and 14 have been amended and claims 23-25 have been added.

Claim 11 has been amended to claim only the treatment of conditions recited in said claim.

Claim 12 has been cancelled without prejudice of Applicant's rights relating thereof. New claims 23-25 have been added to claim particular aspects of original claim 12, set forth, e.g., in the middle paragraph on page 2 of the specification (lines 1-3 for claim 23, lines 9-12 for claim 24, and lines 6 and 7 for claim 25). New claims 23 and 24 are directed to the treatment of disorders indicated therein. New claim 25 is directed to the reduction of total cholesterol plasma levels.

Claim 14 has been amended to more particularly claim the invention, namely the prevention and/or treatment of atherosclerosis and coronary heart disease. Support appears, e.g., on page 2, paragraph in the middle of page.

Reconsideration of the rejection of claims 11, 12 and 14 (instant claims 11, 14, 23 and 24) under 35 U.S.C. §112, first paragraph, is respectfully requested.

The rejection relates to enablement of the "prevention" of disorders in said method of use claims. Except for claim 14, the method of use claims are no longer directed to prevention so as to facilitate and expedite prosecution.

Claim 11 has been amended to exclude prevention from said claim.

Claim 14 has been amended so as to more specifically cite the disorders involved, namely atherosclerosis and coronary heart disease.

New claims 23 and 24 are directed only to the treatment (not prevention) of disorders as indicated therein.

Relating to claim 14 as amended, it is well known that a causal relationship between elevated cholesterol levels, in particular elevated LDL cholesterol levels, and the incidence of atherosclerosis and coronary heart disease (CHD) has been established in the art. In other words, lowering cholesterol levels has been linked to a decrease in the risk of developing atherosclerosis and CHD, i.e., prevention thereof.

In support thereof, the Applicant is enclosing herewith a copy of chapter 15 of "Handbook of Pharmacology of Aging", CRC Press, 1996, Chapter 15, pp. 255-275, in which the state of the art relating to prevention of CHD and atherosclerosis by reducing serum cholesterol (in particular LDL cholesterol) is presented on pages 255 and 256.

In view of the cholesterol (in particular, LDL cholesterol) lowering properties of the compounds of claim 9 (e.g., as claimed in claims 19 and 25), it is respectfully submitted that the subject matter of claim 14 meets the requirements of 35 U.S.C. §112, first paragraph, and that no undue experimentation is involved.

In view of all of the above, it is respectfully submitted that the rejection of claims 11, 12 and 14 (instant claims 11, 14, 23 and 24) under 35 U.S.C. §112, first paragraph, is no longer warranted and should be withdrawn.

Reconsideration of the provisional non-statutory double patenting rejection over co-pending application No. 09/702,634 is respectfully requested.


Provided that the instant claims are now otherwise allowable, and since co-pending application No. 09/702,634 has not yet been allowed, the Examiner is respectfully requested to withdraw the provisional rejection and permit the instant application to issue as a patent in

accordance with MPEP 804 (full paragraph beginning at bottom of first column and first full paragraph in second column of page 800-15).

It is respectfully submitted that all the instant claims are in condition for allowance and such is earnestly solicited.

Respectfully submitted,

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Encls.: Appendix (marked-up version of the changes made)
Handbook of Pharmacology of Aging, 1996, Chapter 15